

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN (DETROIT)

In Re:

Michael Kane & Angela Cusumano-Kane

Debtor(s).

Chapter 13
Case No. 09-77555-wsd
Hon. Walter Shapero

OBJECTIONS TO CONFIRMATION OF PLAN

NOW COMES DCFS Trust (“Creditor”), by and through its attorneys, McKelvie DeLuca, P.C., and states the following as its Objections to Confirmation of the Debtor’s proposed Chapter 13 Plan (“Plan”):

1. On January 29, 2008, Debtor executed a Michigan Motor Vehicle Lease Agreement to lease a 2008 Dodge Avenger V.I.N. 1B3LC56K38N220517 (“Vehicle”). Debtor agreed to remit 36 consecutive monthly payments in the amount of \$269.97.
2. Creditor holds title in said Vehicle.
3. The net amount currently due and owing on the Lease Agreement is approximately \$3,509.61.
4. Debtor has a history of remitting late payments to Creditor. Creditor objects to confirmation of Debtor’s Plan unless Debtor stipulates to a future default provision.

5. The Lease Contract requires the Debtor(s) to maintain insurance. Creditor requests proof of valid full coverage insurance on the Vehicle(s).
6. Should the Debtor(s) not be 100% current in Plan payments, Creditor objects to confirmation pursuant to § 1325(a)(6) as the Debtor(s) will not have shown that he/she will be able to make all payments due under the Plan and will have failed to comply with the Plan.

WHEREFORE, Creditor prays for an Order denying confirmation of the Plan and dismissal of the case unless the Debtor unless Debtor stipulates to a future default provision regarding direct payments; and provides satisfactory proof of insurance on Debtor's 2008 Dodge Avenger.

Respectfully submitted,

McKELVIE DeLUCA, P.C.

By: /s/ Kellie C. Arman Schone
Charles L. McKelvie (P27782)
Rita A. McKelvie (P46023)
Kellie C. Arman Schone (P63929)
Bryan Yaldou (P70600)
Attorneys for Creditor
280 West Maple Road, Suite 300
Birmingham, Michigan 48009
(248) 952-5100
bkattys@mckelviedelUCA.com

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